

## Protocol for Title III Immigrant Student Allocation

### Eligibility:

Students between 3 and 21 who were not born in any State in the U.S. and have not been attending one or more schools for more than 3 full academic consecutive years.  
[Section 3301 (6) (A) (B) (C)]

Title III requires that these funds serve Local Education Agencies (LEAs) that have experienced “a significant increase” in the percentage or number of immigrant students entering the LEA as compared to the average of the two preceding fiscal years. [Section 3114 (d)]

No Child Left Behind, Title III legislation also allows funds to go to LEAs that have “limited or no experience in serving immigrant children and youth.” [Section 3114 (d) (2) (A)]

To date, Utah has based funding on a per pupil allocation. However, since this does not follow the spirit or letter of the law, our policy has been revised:

- While recognizing past problems, USOE will proceed with funding districts for the 2008 fiscal year at the allocation rate already determined.
- A review of the data from 2004 to 2008 shows inconsistencies in reporting immigrant counts. The USOE has reviewed how LEAs are collecting and reporting this information.
- The USOE has determined that a significant increase of immigrant students for our LEAs is .005 (.5%).
- Based on these revisions, the USOE will use 2009 fiscal year as an accurate baseline point.
- In the future, LEAs shall report data based on the definition above and put in place a system of reporting immigrant data to the USOE that accurately reflects the immigrant student population.